

## **ARTICLE V SITE PLAN APPROVAL PROCEDURE**

### **5.1 APPLICATION AND APPROVAL PROCEDURE**

With the exception of single-family and two-family dwellings, the following site plan approval procedure shall govern all development:

- 5.1.1. Two (2) sets of complete site plan drawings and an electronic copy of the site plan shall be submitted to the Code Enforcement Division, along with the appropriate review fee, if required.
- 5.1.2 The site plan shall be drawn to scale and include:
  - A. Boundary of the tract, including dimensions and location of any new or revised lots or easements within the tract;
  - B. The location and dimensions of all existing and proposed roads, driveways, entrances and exits, lanes, easements, and parking areas, including the number of parking spaces;
  - C. Proposed building locations and dimensions including the height of buildings and building entrances both pedestrian and vehicular;
  - D. Location and extent of existing and proposed landscaping, buffer yards, fences, lighting, pedestrian walkways, and signage;
  - E. Proposed use of land and buildings;
  - F. The relation of the project to the adjoining street system and surrounding area, including the zoning and land use of surrounding properties;
  - G. The complete grading plan, erosion prevention and sediment control plan in compliance with ordinance number 4064-04, water quality plan in compliance with ordinance number 4293-07, floodplain regulations information in compliance with Article VIII of the Zoning Ordinance, and stormwater runoff calculations supporting the stormwater collection and detention plan, shall also be submitted;
  - H. Location and profiles of proposed sanitary sewers and stormwater sewers with grades, sizes, and elevations indicated;
  - I. Proposed water distribution system showing pipe location, sizes, and the location of all pumps, meters, valves, and fire hydrants; and

- J. The location and extent of other utility facilities, including electric, telephone, and TV cable lines, natural gas lines, and poles for power or telephone.

5.1.3 Review procedure:

Staff review procedure - Upon receipt of a site plan, the Code Enforcement Division shall:

- A. Notify the Planning Department, Engineering Division, Water and Sewer Department, and any other department as appropriate of submitted plans;
- B. Each department shall promptly review the site plan for conformity with the requirements in Subsection 5.1.2 and convey its findings to the Code Enforcement Division, which shall compile a consolidated staff report on the site plan;
- C. If any deficiency is found in the plan, the applicant and property owner shall be contacted and the deficiency or deficiencies explained. If the applicant and owner agree to amend the plan to correct all deficiencies, then a corrected site plan shall be submitted for review; and
- D. Finding of compliance - Upon finding that the site plan is in full compliance with the requirements of Subsection 5.1.2, the Chief Building Official shall issue the appropriate grading or building permits.

5.1.4 Appeal procedure:

- A. If the applicant disagrees with the findings of the city staff, an appeal may be made to the Planning Commission. Such appeal shall be made in writing to the Planning Department and shall state the reasons why in the applicant's opinion, that feels the site plan is in compliance. The appeal shall be filed no later than ten (10) full working days prior to the next Planning Commission meeting and shall be accompanied by ten (10) additional copies of the site plan.
- B. The Planning Commission at its regular meeting shall review the disputed site plan and hear evidence from the applicant, the staff, and from any other interested persons. After hearing evidence, the Planning Commission shall approve the site plan as submitted, approve with amendments, or disapprove the plan. In determining its findings, the Planning Commission shall take into consideration the character of the surrounding area to: (1) protect adjoining

residentially-zoned lots and residential uses; (2) to provide for the public safety; and (3) to prevent traffic congestion.

- C. The applicant may appeal the Planning Commission's finding to the City Commission. After receiving the findings of the Planning Commission, the City Commission shall review the site plan and the evidence presented by the staff, the applicant, and any other concerned persons. The appeal shall be filed no later than fourteen (14) full working days prior to the next City Commission meeting and shall be accompanied by seven (7) additional copies of the site plan. After such review, the City Commission shall approve, disapprove, or approve with amendment the site plan. In determining its action, the City Commission may also make additional reasonable requirements.

5.1.6 Subdivision and replatting procedure:

- A. In order to promote interconnectivity, reduce the number of curb cuts, and the development of comprehensive stormwater management, a Subdivision Site Plan shall be required for all subdivisions in the B-4, B-5, and PB districts. A Subdivision Site Plan shall include the following:
  - 1. Location and number of proposed curb cuts;
  - 2. Proposed interconnectivity between proposed lots; and
  - 3. Preliminary stormwater detention location.
- B. In the B-4, B-5, and PB districts, lots may be created which gain access from a private drive, private street, or easement. Any creation of lots or easements or any replatting of or within the original tract shall be reviewed according to the provisions of the Subdivision Regulations of the Johnson City Regional Planning Commission. The original subdivision of land within the tract or the establishment of permanent easements for access shall be reviewed by the Planning Commission; thereafter, replats or further subdivisions may be reviewed administratively subject to the provisions of the Subdivision Regulations.

5.1.7 Development Plan Amendment

- A. An amendment to an approved site plan by the developer must be approved by the city to retain the protections of the vested property rights. An amendment may be denied based upon a written finding by the city that the amendment:
  - 1. Alters the proposed use;

2. Increases the overall area of the development;
3. Alters the size of any nonresidential structures included in the development plan;
4. Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
5. Increases any local government expenditure necessary to implement or sustain the proposed use.

If approval of an amendment is denied, then the developer may either proceed under the prior approved site plan with the associated vested property rights or, alternatively, allow the vested property rights to terminate and submit a new site plan.

B. Expiration/extension of vesting period:

1. Upon the expiration of a vesting period for a site plan, construction may not proceed unless a new site plan is approved. Any new site plan submitted under this subsection shall meet all development standards then in effect for those portions of the project not already constructed or under construction.
2. Alternatively, the Planning Commission may extend the vesting period for any or all of the vested rights applicable to a site plan if it determines, in writing, that it is in the best interest of the community to allow the development to proceed without terminating the vested property right(s).

## 5.2 DEVELOPMENT STANDARDS:

Each proposed site plan shall be evaluated according to the following standards:

### 5.2.2 Internal circulation and curb-cut location:

To promote and protect the safety and function of city streets, the internal circulation and the location and number of curb cuts of each project shall be carefully regulated. The City Engineer may request that information from the developer be provided concerning future development plans. In addition, developments having off-street parking facilities shall interconnect on-site vehicular access with adjoining property where practical.

5.2.3 Private streets and permanent easements:

- A. Private streets designed to serve as internal streets within a commercial development shall be built to the public street standards of Article IV of the Subdivision Regulations. So long as such streets and utilities remain private, their maintenance shall be the responsibility of the property owner. Upon verification by the Planning Commission, City Engineer, and the Water and Sewer Engineer that private streets and utilities have been constructed according to Subdivision Regulations standards for public streets and the utilities have been constructed according to TDEC and Water and Sewer Department Standards, they may be accepted by the city upon dedication by the owner.
- B. Permanent private easements for transportation access may be established within a commercial development across parking lots or driveways where appropriate, based on traffic volumes, site conditions, and building location. The minimum width of such easement shall be twelve (12) feet for one-way traffic and twenty (20) feet for two-way traffic. The minimum pavement depths of such easements shall be 6 inches of mineral aggregate base and 3 inches of asphalt. The maintenance of such easements shall be the permanent responsibility of the owner. In no case shall the city accept such easements as public nor maintain them.

5.2.4 Sidewalk Requirement:

Sidewalks shall be required for all multi-family, commercial, and office developments along their public street frontages, and for all industrial developments along their collector and arterial street frontages, in accordance with Article IX, Sidewalk Regulations, and The Standards of Design for Streets and Drainage.